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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,478	11/15/2003	Heikki Huik		1942
<div>7590      11/28/2007</div> <div>HEIKKI HUIK 2371 DEERPATH DR. APT.308 SCHERERVILLE, IN 46375</div>				
			<div>EXAMINER</div> <div>WEIER, ANTHONY J</div>	
			<div>ART UNIT</div> <div>1794</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>11/28/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/713,478	HUIK, HEIKKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony Weier	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group 1 (i.e. apparatus claims) in the reply filed on 7/9/07 is acknowledged.

### ***Claim Objections***

2. The instant claims are objected to because of the following informality:  
The claims in this application do not commence on a separate sheet or electronic page in accordance with 37 CFR 1.52(b)(3). See MPEP 6.18.01. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Gutwein et al with Bunn-O-Matic spec sheet and manual (including the OL 35 model) as supportive information.

Gutwein et al discloses use of a coffee making apparatus (i.e. Bunn OL-35, col. 6, line 18) which comprises a means for heating a volume of water used in making a

coffee extract wherein said heating means included a heating element assembly as called for in the instant claims, said apparatus further having valves and a dispensing vessel with a drain orifice (spray head) wherein the temperature of the water is, for example, 195 F (col. 6, line 22) and wherein same is delivered at, for example, 754 ml/min (1860 ml/148 sec.; col. 6, lines 22 and 23), said apparatus further including a brew basket for receiving ground coffee and wherein the dispensing vessel above same dispenses water to saturate said coffee grounds and wherein said coffee basket (in the shape of a funnel) has a filter therein and an opening below said filter for passing heated water and extracted coffee through said basket (see Bunn-O-Matic materials), said apparatus also possessing an extraction vessel wherein the coffee basket fits therein, said vessel used to hold coffee extract therein for steeping purposes (see Example 2), said apparatus having the ability to be sealed against oxygen contact in a closed system (e.g. col. 7, lines 33-40; Example 2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Gutwein et al with Bunn-O-Matic spec sheet and manual (including the OL 35 model) as supportive information.

The claims further call for said apparatus allowing for a steeping time of 6 to 10 minutes. Although Gutwein et al is silent regarding said apparatus having a particular steeping time in excess of 200 seconds (see Examples), it would have obvious to one having ordinary skill in the art at the time of the invention to have modified the apparatus to allow for steeping times below and in excess of 200 seconds as a matter of preference depending on the particular degree of extraction desired and subsequent strength, for example, of the brewed extract.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutwein et al with Bunn-O-Matic spec sheet and manual (including the OL 35 model) as supportive information taken together with JP 2001-321272.

Gutwein et al further discloses said apparatus having a storage vessel for receiving the filtered coffee extract (i.e. decanter). However, same is silent regarding the use of a floating lid which protects the extract from outside oxygen as well as preventing the escape of aromatic components from the coffee extract. JP 2001-321272 teaches a brewed coffee storage vessel with a floating lid to prevent the contact of oxygen with the extracted contents therein (see Abstract). Since same prevents oxygen from entering the vessel, it is considered inherent that said lid also retains aromatic components from escaping. It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed such vessel with floating lid in the apparatus system of Gutwein et al to prevent oxidation of the brewed extract.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutwein et al with Bunn-O-Matic spec sheet and manual (including the OL 35 model) as supportive information taken together with Patel or Wurm.

The claims further call for a filtering means that is integrally formed into a bottom floor of the coffee basket and above at least one bottom opening. However, such filter baskets are well known as taught, for example, by Patel which teaches a screen (which is inherently a filtering device) screwed into the bottom of the filter basket and above a central bottom opening therein. In addition, Wurm teaches such a filter welded at the base of the brew basket such that same provides reusable filtering. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included such screen filter (along with fins therein) to keep, for example, any paper filter used in the basket spaced from the bottom of the basket and, therefore, allowing for flow of the prepared extract in an unimpeded manner (Patel: see col. 4, lines 47-50; Figures). It would have been further obvious to have employed such reusable filter of Wurm to reduce the cost of purchasing and trouble in inserting paper filters in conventional coffee machines (e.g. col. 1, lines 31-35 and 66-68).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutwein et al with Bunn-O-Matic spec sheet and manual (including the OL 35 model) as supportive information taken together with any one of Wurm, CH 689042, and WO 00/51478.

Claim 6 further calls for said filtering means to include a removal filter ring that rest in contact with the bottom of the coffee basket and wherein same covers the bottom

opening of said basket. However, any one of Wurm (Fig. 2), CH 689042 (Figs. 1 and 2), and WO 00/51478 (e.g. element 21 in Fig. 2) teach the use of such filter rings in coffee brewing apparatus. It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the reusable ring filter of Wurm and WO 00/51478 to reduce the cost of purchasing and trouble in inserting paper filters in conventional coffee machines (e.g. Wurm, col. 1, lines 31-35 and 66-68; WO 00/51478, page 2). It would have been further obvious to have employed such structure for not only lower cost but easier cleaning as taught, for example, by CH 689042 (see Abstract).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutwein et al with Bunn-O-Matic spec sheet and manual (including the OL 35 model) as supportive information taken together with Klawuhn et al.

The claims further call for a valve for gas release in the dispensing vessel. However, it should be noted that Klawuhn et al teaches a brewing apparatus having a dispensing element wherein same further includes a pressure release valve for excess steam, etc. (see Fig. 1, element 20). It would have been obvious to one having ordinary skill in the art at the time of the invention to have included same in the apparatus of Gutwein et al to protect the apparatus with controlled pressure release rather than allow same to be damaged due to ruptures in the various conduits employed, for example.

#### ***Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Conclusion**

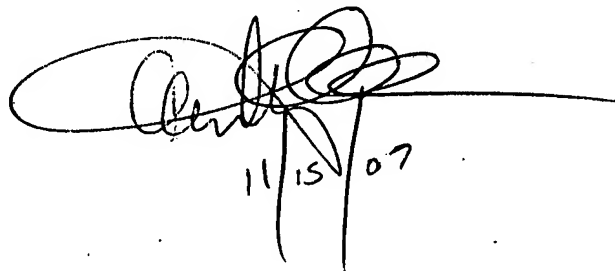
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Weier  
November 15, 2007

Anthony Weier  
Primary Examiner  
Art Unit 1794



11/15/07